

intestate leaving three children, as follows, namely, Alice V. Charles D. and Agnes M. Zimmerman all infants under twenty one years and all residing in Frederick County, Md. - To the 7th Plaintiff as to this defendant. - To the 7th Int. That said land cannot be divided without loss and injury to the parties interested, that it would be to the benefit & advantage of all parties in interest that the same should be sold and the proceeds distributed or invested for the benefit of the infants, that the land will not yield sufficient to support the parties and to keep it in repair and the parcels, if divided, would be too small for advantageous cultivation or sale - that the improvements on said land are in a decaying condition & daily becoming worse.

There being no further witnesses present to be examined & no further time being required for the production of evidences, the Commissioner closed the said Commission & herewith returns the same under his hand & seal this 8th day of December Anno Domini 1863.

W. P. Nelson Comr.

Dated - The Execution of the within Commission will appear by certain Schedules thereto annexed. W. P. Nelson Comr.

The separate answer of John D. Crumbaugh to the amended bill of complaint of Rachel A. Zimmerman mother and next friend of Cath M. Zimmerman & others, filed in the Circuit Court for Frederick County sitting as a Court of Equity against this defendant and others,

This defendant says for answer that he admits the facts stated in said bill of complaint that he holds a mortgage upon the real estate of which Jacob M. Zimmerman died. Seized and possessed and is willing a decree shall pass as prayed, for the sale of said real estate, free and clear of his mortgage claim, the debt intended to be secured by said mortgage to be paid to this defendant out of the proceeds of the sale of said real estate. - John D. Crumbaugh

Rachel A. Zimmerman
Mother & next friend of

Cath M. Zimmerman Esq.

No. 3234 Equity.

In the Circuit Court for Frederick County Sitting, sitting as a Court of Equity. - January Term 1866.

This case being duly submitted to the Court upon the bill answers, exhibits, testimony and other proceedings, which were very duly considered. It is therefore upon this 13th day of January 1866, by me Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity and by the authority of the said Court, adjudged, ordered and decreed that the real estate mentioned and specified in the bill, exhibits and proceedings in this case be sold as therein prayed and that William A. Zimmerman his and he is hereby appointed Trustee to make such sale and that the course manner of his proceedings shall be as follows:

He shall first file with the Clerk of this Court a bond to be executed by himself with security to be approved by this Court or the Clerk thereof, payable to the State of Maryland, in the sum of Sixteen thousand dollars & conditions for the faithful discharge of the trust referred in this decree or which may be referred in this by any future decree or order in the premises;

He shall then make sale of said real estate at public sale having first given at least three weeks public notice by advertisement in some newspaper printed in Frederick County and such other notice as he may deem proper of the time, place, manner and terms of sale, which terms of sale shall be as follows: One third of the purchase money shall be paid on the day of sale or the ratification thereof and the other two thirds in one and two years from the day of sale in equal payments to be secured by the bonds of the purchaser or purchasers bearing interest from the day of sale, with security to be approved by the Trustee, and on the payment of the whole of the purchase money and not before, the Trustee shall by a good and sufficient deed of conveyance to be executed and acknowledged according to law, convey to the purchaser or purchasers the property so purchased by him, her or them, free, clear and discharged of and from all claims of the parties, Complainant and defendants in this suit, and as soon as may be convenient after